

OFFICIAL COPY

Fresno, California

November 30, 1999

The City Council met in regular session at the hour of 9:08 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Victor Thasiah, Pilgrim Armenian Congressional Church, gave the invocation.

Councilmember Boyajian led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF "CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD DAY" -
COUNCILMEMBER QUINTERO

PROCLAMATION OF "WORLD AIDS DAY" - COUNCILMEMBER PEREA (ADD-ON)

PROCLAMATION OF "STEVE POWERS DAY" - COUNCILMEMBER RONQUILLO

RESOLUTIONS OF COMMENDATION TO TENAYA MIDDLE SCHOOL'S GIRLS SOFTBALL AND BOYS
BASKETBALL TEAMS - ACTING PRESIDENT MATHYS

Councilmember Perea left the meeting at 9:40 a.m. (Statement made later relative to Councilmember Perea's
absence.)

PRESENTATION OF SCHOOL JACKET AND CERTIFICATE OF APPRECIATION TO COUNCILMEMBER
BOYAJIAN BY COOPER MIDDLE SCHOOL

The above proclamations, resolutions and presentations were read and presented.

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APPROVE MINUTES OF NOVEMBER 16, 1999

The minutes of November 16, 1999, were approved as submitted.

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APPROVE AGENDA:

(5C) DIRECT THE CITY ATTORNEY TO DRAFT A RESOLUTION GIVING AUTHORITY TO THE FRESNO COUNTY HEALTH DEPARTMENT FOR ENFORCEMENT OF LABOR CODE SECTION 640.5 (AB 3037) IN THE CITY OF FRESNO (THE CALIFORNIA SMOKE-FREE WORKPLACE LAW) - PRESIDENT STEITZ

1. RESOLUTION - AUTHORIZING THE FRESNO COUNTY HEALTH DEPARTMENT TO ENFORCE LABOR CODE SECTION 6404.5 (AB 3037) - THE CALIFORNIA SMOKE-FREE WORKPLACE LAW

President Steitz set the issue for after 11:00 a.m. this date.

(3:00 P.M.) REQUEST FOR ADDITIONAL FUNDING FOR COMPLETION OF THE DOWNTOWN WATER TOWER - COUNCILMEMBER RONQUILLO

1. STATUS REPORT BY LLOYD KENNEDY, FRESNO CONVENTION AND VISITORS BUREAU

Laid over one week.

(4:00 P.M.) REPORT AND DIRECTION REGARDING PRIVATIZATION OF CITY SERVICES - COUNCILMEMBER PEREA

Laid over one week.

(5E) * RESOLUTION - 56TH AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 1's, \$500 OF DISTRICT 2's, AND \$2,500 OF DISTRICT 4's GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE VAN NESS GARAGE FUEL TANK REPLACEMENT - COUNCILMEMBERS BOYAJIAN AND ACTING PRESIDENT MATHYS

President Steitz removed and laid his \$2500 funding portion over one week. Discussed again after the following item.

(5I) APPEARANCE BY IVY ROBERTS AND MEMBERS OF THE WILBERFORCE UNIVERSITY COMMITTEE REQUESTING CITY ASSISTANCE FOR WILBERFORCE UNIVERSITY - COUNCILMEMBER RONQUILLO

Removed from the agenda at the direction of Councilmember Ronquillo to allow further meeting with the Committee.

(5E) * RESOLUTION - 56TH AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 1's, \$500 OF DISTRICT 2's, AND \$2,500 OF DISTRICT 4's GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE VAN NESS GARAGE FUEL TANK REPLACEMENT - COUNCILMEMBERS BOYAJIAN AND ACTING PRESIDENT MATHYS

In addition to President Steitz removing his funding portion for one week, Councilmember Boyajian and City Attorney Montoy stated some issues and language needed to be worked out, and Councilmember Boyajian directed the entire item be laid over one week.

ABSENCE OF COUNCILMEMBER PEREA

City Clerk Klisch advised Councilmember Perea left the meeting to give opening comments and welcome Governor Davis and his Cabinet to Fresno for the Valley Economic Revitalization Summit. So noted.

(2:55 P.M.) APPEARANCE BY DAVID PEPPER TO RE-ADDRESS THE SPEEDING OCCURRING ON VAN NESS AVENUE

Laid over one week to 12/7/99, at 3:30 p.m.

DIRECT STAFF TO SCHEDULE ON THE 12/7/99, AGENDA: RESCIND RESOLUTION NO. 99-40 ADOPTED 2/9/99, DIRECTING THE INITIATION OF THE GENERAL PLAN UPDATE, ALTERNATIVE 10Z, AND DIRECT STAFF TO RETURN ON 1/11/00, WITH A PREFERRED ALTERNATIVE GENERAL PLAN WHICH WOULD UTILIZE THE EXISTING SPHERE OF INFLUENCE WITH A POLICY WITH DEFINED CRITERIA ALLOWING INCREMENTAL SPHERE LINE EXPANSION - COUNCILMEMBER PEREA

Councilmember Perea's direction was entered into the record by City Clerk Klisch. Councilmember Bredefeld requested the Council Sub-Committee be allowed to place an issue on the agenda along with Councilmember Perea's item stating the sub-committee was already moving in that direction.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE A LICENSE AGREEMENT WITH PACIFIC BELL WIRELESS, LLC, TO PLACE COMMUNICATIONS EQUIPMENT ON THE TOWER AT RADIO PARK

(1A-2) *RESOLUTION NO. 99-329 - 54TH AMENDMENT TO AAR 99-181 APPROPRIATING \$74,400 OF FEDERAL ASSET FORFEITURE FUNDS TO PAY FOR THE CONTINUED OPERATION OF THE WEED AND SEED PROGRAM TO CARRY OUT THE MAGEC ACTIVITIES IN THE TARGET AREA OF LANE ELEMENTARY SCHOOL NEIGHBORHOOD

(1A-3) *RESOLUTION NO. 99-330 - 53RD AMENDMENT TO AAR 99-181 APPROPRIATING \$39,200 OF SB 853 FUNDS TO FUND THE COSTS OF THE MAGEC PILOT PROJECT

a. *RESOLUTION NO. 99-331 - 4TH AMENDMENT TO PAR 99-182 ADDING ONE POLICE OFFICER POSITION TO WORK IN THE MAGEC PILOT PROJECT

(1A-4) RESOLUTION NO. 99-332 - APPROVING/ORDERING THE SUMMARY VACATION OF A PORTION OF A PUBLIC WATER MAIN EASEMENT LOCATED ON RIVER PARK PROPERTIES' SHOPPING CENTER NEAR NEES AVENUE AND FREEWAY 41

(1A-5) APPROVE AN AMENDMENT TO THE AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR THE DESIGN OF THE FRESNO SANITARY LANDFILL REGIONAL PARK/SPORTS COMPLEX; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1A-6) *RESOLUTION NO. 99-333 - 48TH AMENDMENT TO AAR 99-181 APPROPRIATING \$4,900 OBTAINED AS PAYMENT FROM THE MANUFACTURER FOR CERTAIN WARRANTY WORK PERFORMED BY THE FIRE DEPARTMENT REPAIR AND MAINTENANCE SECTION

(1A-7) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF FRESNO FOR THE PURPOSES OF PROVIDING SUPPORTIVE SERVICES TO THE YOUTH COMMUNITY CHALLENGE PROGRAM AND EXECUTE THE CONTRACT IN ACCORDANCE WITH THE TERMS OF THE CONTRACT

(1A-8) APPROVE EXTENSION OF THE TEMPORARY USE PERMIT WITH AIR TERMINAL SERVICES, INC., TO OPERATE AN ESPRESSO BAR AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

(1A-9) APPROVE AMENDMENT NO. 3 TO THE AVIATION LEASE AND AGREEMENT WITH RUIZ AVIONICS, WHEREBY, IN ADDITION TO OTHER MATTERS ADDRESSED IN THE AMENDMENT, A PORTION OF THE LEASED PREMISES AT CHANDLER DOWNTOWN AIRPORT REVERTS TO THE CITY AND THE LEASE TERM IS EXTENDED FOR A PERIOD OF NINE YEARS; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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Councilmember Ronquillo left the meeting at 9:50 a.m. and was absent for the remainder of the meeting.

(9:15 A.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 CONCERNING AN INSTALLMENT SALE FINANCING BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BENEFIT THE SEQUOIA COMMUNITY HEALTH FOUNDATION, INC.

1. RESOLUTION NO. 99-334 - APPROVING AN INSTALLMENT SALE FINANCING BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BENEFIT THE SEQUOIA COMMUNITY HEALTH FOUNDATION, INC.

President Steitz announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-334 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero
Noes	:	None
Absent	:	Perea, Ronquillo
Abstain	:	Steitz

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(9:30 A.M.) HEARING ON REZONING APPLICATION NO. R-99-35, FILED BY GARY GENTILE, PROPERTY LOCATED AT 2432 N. FRUIT AVENUE

1. BILL NO. B-77 - ORDINANCE NO. 99-72 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM P/CZ TO R-1

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill No B-77 adopted as Ordinance No. 99-72, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	None
Absent	:	Perea, Ronquillo

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(3A) APPROVE REVISED WORDING FOR THE BALLOT INITIATIVE RELATING TO VOLUNTARY WATER METERS

1. * RESOLUTION NO. 99-335 - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS RELATING TO VOLUNTARY WATER METERS; AND RESCINDING RESOLUTION NO. 99-145 ADOPTED ON 5/26/99

City Manager Reid advised this was a ministerial matter with no substantive changes.

Acting President Mathys stated his opposition to water meters stating there were many unanswered questions, meters would result in higher fees and bills, and people needed to be given the true costs and explained **(2 - 0)**. Mr. Reid responded to questions of Councilmember Quintero relative to prior discussions on water meters and costs. President Steitz noted at issue was revised wording and the issue of water meters needed to be agendized if Council wanted to discuss the matter and obtain information. Mr. Reid stated he would provide a report on how meters would be implemented if approved, adding the report would be very beneficial for the public. President Steitz directed staff report back in January, and made a motion to approve the resolution.

Councilmember Bredefeld clarified the ballot measure stipulated “option” and concurred people should have the option of having meters; stated his support for the motion; and stressed local government should not mandate meters and expressed concern the issue was being politicized.

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-335 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Steitz
Noes	:	Mathys
Absent	:	Perea, Ronquillo

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 14 - TRACT NO. 4866

1. RESOLUTION NO. 99-336 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 99-337 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 99-338 - DECLARING ELECTION RESULTS

4. *BILL NO. B-78 - ORDINANCE NO. 99-73 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 14

President Steitz announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 99-336, 99-337 and 99-338 hereby adopted; and the above entitled Bill No B-78 adopted as Ordinance No. 99-73, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Steitz
Noes	:	Mathys
Absent	:	Perea, Ronquillo

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(5A) APPROVE APPOINTMENT OF WILMA QUAN TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE - COUNCILMEMBER BOYAJIAN

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, Wilma Quan appointed to the Tower District Design Review Committee, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	None
Absent	:	Perea, Ronquillo

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(5B) PROPOSED APPOINTMENT OF JAMES KLEIN TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE - COUNCILMEMBER BOYAJIAN

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, James Klein appointed to the Tower District Specific Plan Implementation Committee, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	None
Absent	:	Perea, Ronquillo

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(5D) * RESOLUTION NO. 99-339 - 57TH AMENDMENT TO AAR 99-181 APPROPRIATING \$1,200 OF DISTRICT 5's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CONVENTION CENTER EXPENSES FOR THE HOUSE INSURANCE AND COUNSELING ADVISORY PROGRAM - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-339 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	None
Absent	:	Perea, Ronquillo

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(5F) * RESOLUTION NO. 99-340 - 55TH AMENDMENT TO AAR 99-181 APPROPRIATING \$200 OF DISTRICT 1's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE FRESNO CITY COLLEGE PARTNERS IN PRIDE FOR NEIGHBORHOOD REVITALIZATION - COUNCILMEMBER BOYAJIAN

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-340 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	None
Absent	:	Perea, Ronquillo

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(5G) RECEIVE STAFF REPORT ON STATUS OF THE REQUEST FOR PROPOSALS (RFP) FOR RED LIGHT CAMERA ENFORCEMENT IN FRESNO - COUNCILMEMBER BREDEFELD

1. DIRECT THE CITY MANAGER, OR DESIGNEE, TO REPORT TO COUNCIL ON JANUARY 4, 2000, ON STATUS OF RFP AND OTHER RELATED MATTERS

2. APPOINT A COMMITTEE CONSISTING OF COUNCILMEMBERS TO MEET WITH THE COUNTY BOARD OF SUPERVISORS TO EXPLORE AN AGREEMENT WHICH WOULD ALLOW THE CITY OF FRESNO TO USE THE CITY'S PROCEEDS FROM FINES AND FORFEITURES FROM RED-LIGHT RUNNING CITATIONS ISSUED BY THE FRESNO POLICE DEPARTMENT FOR THE PURPOSE OF FUNDING THE CAMERA ENFORCEMENT PROGRAM AND PROVIDING ADDITIONAL REVENUE FOR TRAFFIC ENFORCEMENT

District 6 Staff Assistant Kloose gave a status report on the RFP; noted an earlier request was for a report on January 4th and the committee was now requesting staff report back with recommendations on January 11th, which was accepted by Councilmember Bredefeld; and stated a sub-committee needed to be appointed to negotiate with Fresno County relative to utilizing a portion of citation revenues for program funding and traffic enforcement. Upon question of Councilmember Bredefeld, City Manager Reid stated he concurred with the need for a sub-committee to meet with the County not only on policy but also fiscal issues and explained. Councilmember Bredefeld advised he and Councilmember Perea would serve on the committee and questioned if Councilmember Boyajian was interested, with Councilmember Boyajian responding affirmatively.

Brief discussion ensued on whether there would be a problem with having two separate Council sub-committees (general plan and red light camera enforcement) meeting with the County at this time, with Councilmember Bredefeld stating it would be made clear this sub-committee would be solely for the red light camera issue. President Steitz questioned if the master fee schedule could be amended to charge the County a portion of the \$270 fine for the City's costs in issuing citations, with City Attorney Montoy stating the MOU with the County and the penal code was being reviewed.

Acting President Mathys stated his opposition to cameras at intersections citing the unknown costs for installation, film reading/processing, etc., and stressed the rat boxes were working well and the City should not get into big government issues like cameras. Councilmember Bredefeld stated citizens would benefit with safer streets.

By Council consensus, Councilmembers Bredefeld, Boyajian and Perea to meet with Fresno County, and staff to provide a report back with recommendations on January 11, 2000.

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(5H) STATUS REPORT FROM CITY MANAGER AND PROJECT MANAGER ON COMPLETION OF THE EXHIBIT HALL EXPANSION PROJECT, AND COUNCIL ACTION TO AUTHORIZE AND APPROVE ANY AND ALL NECESSARY ACTIONS FOR COMPLETION OF THE PROJECT - COUNCILMEMBERS QUINTERO AND PEREA

City Manager Reid advised the Development Department and Architect had issued a temporary "safe to occupy" permit and certified "substantial completion"-- not final completion-- and explained, and briefly reviewed the outstanding issues.

President Steitz expressed his concern with not being able to use the freight elevator without a firefighter staffing it, and presented questions relative to who would pay the cost of the firefighter, definition of "substantial completion", if staff concurred with the architect's certifying the facility was safety to utilize, and who the architect worked for, with Mr. Reid and City Attorney Montoy responding.

Councilmember Quintero questioned the timeline for payment to the contractors and on the calculations that needed to be conducted relative to how much of the project had been completed, with Mr. Reid and Mark Matheson, Contract Project Manager, responding to questions and clarifying issues. Mr. Reid explained the separate \$750,000 bonus performance payment to Mr. Long, the contractor, and possible retainage of a portion of those funds due to a contract change order. Councilmember Perea returned to the meeting at 10:25 a.m.

Ms. Montoy responded to questions of Councilmembers Perea relative to the facility being substantially completed and able to use, and timeline for payments to contractors, with Mr. Reid clarifying at issue was ensuring substantial to final completion and explained. Mr. Reid and Mr. Matheson responded to questions of Councilmember Boyajian and President Steitz relative to retention funds, if the contractor had conformed to the contract, possible litigation relative to the bonus payment, the elevator issue, the \$1.88 million being withheld, and the definition of “substantial completion”.

President Steitz reiterated his concern stating it was outrageous for the City to pay for a firefighter to staff an elevator in a facility that was supposedly “substantially completed”, with Mr. Reid responding. There was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BILL WARD, 4640 E. GROVE, REQUESTING AN INVESTIGATION INTO JUVENILES AND THEIR RIGHTS IN SCHOOLS

Request made with Mr. Ward expressing his strong concerns, **(3 - 0)** and Councilmember Quintero stating he would meet with Mr. Ward to obtain all pertinent information and look into the matter.

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RECESS - 10:44 A.M. - 11:10 A.M.

(11:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-17, REZONING APPLICATION NO. R-99-26, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES (ON BEHALF OF JILL AND J. RICHTER), PROPERTY LOCATED ON THE NORTHEASTERLY SIDE OF W. SPRUCE, WEST OF N. BLYTHE AND EAST OF N. MILBURN AVENUES

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-17, R-99-26**
- 2. RESOLUTION NO. 99-341 - AMENDING THE BULLARD COMMUNITY PLAN**
- 3. BILL NO. B-79 - ORDINANCE NO. 99-74 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A/UGM TO R-1/UGM**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Planner Beedle briefly reviewed the staff report as submitted and advised the proposed project was a reduction of what could have been developed on the site.

Jim Tsuruoka, Yamabe-Horn, 1300 E. Shaw, Ste. 176, representing the applicant, requested Council's support and advised sidewalks would be installed on both sides of the street.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

Acting President Mathys thanked all involved, spoke in support of project, and made a motion to approve staff's recommendation, which was seconded and acted upon after brief discussion. Planning Manager Yovino

responded to questions of Councilmembers Perea and Bredefeld relative to cumulative impacts on the area, agreement with the Central Unified School District, developers paying their fair share, earlier recommendation by area committees for a 50' building setback, and traffic impacts.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-99-17, R-99-26 dated 9/15/99, hereby approved; the above entitled Resolution No. 99-341 hereby adopted; and the above entitled Bill No. B-79 adopted as Ordinance No. 99-74, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Boyajian
Absent	:	Ronquillo

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(5C) DIRECT THE CITY ATTORNEY TO DRAFT A RESOLUTION GIVING AUTHORITY TO THE FRESNO COUNTY HEALTH DEPARTMENT FOR ENFORCEMENT OF LABOR CODE SECTION 640.5 (AB 3037) IN THE CITY OF FRESNO (THE CALIFORNIA SMOKE-FREE WORKPLACE LAW) - PRESIDENT STEITZ

1. RESOLUTION NO. 99-342 - AUTHORIZING THE FRESNO COUNTY HEALTH DEPARTMENT TO ENFORCE LABOR CODE SECTION 6404.5 (AB 3037) - THE CALIFORNIA SMOKE-FREE WORKPLACE LAW, AS AMENDED, ADDING LANGUAGE THAT THE HEALTH DEPARTMENT'S ENFORCEMENT WOULD BE IN ADDITION TO AND IN CONJUNCTION WITH THE POLICE DEPARTMENT'S ENFORCEMENT

President Steitz briefly reviewed the issue stating he felt it would be very appropriate to work with the Health Department and combine resources.

Susan Pearman spoke in opposition to the issue citing the Health Educators' safety advising they would be the ones who would be sent out to bars.

City Manager Reid clarified giving authority to the Health Department would in no way diminish the Police Department's current enforcement efforts, and explained what Santa Barbara County was doing in dealing with intoxicated/angry bar patrons.

Councilmember Perea encouraged Council to consider not moving the matter forward emphasizing the Police Department's current enforcement program was working noting six citations had been issued in just the past two weeks.

Mr. Reid, President Steitz and City Attorney Montoy clarified and responded to issues and questions of Councilmember Boyajian relative to whether the Police Department was, in fact, now enforcing the law, combining City and County resources, and stipulating the City would continue its enforcement efforts, with Ms. Montoy stating language could be added to the resolution stipulating the authority being granted to the Health Department for enforcement would be *in addition* to the City's efforts.

On motion of President Steitz, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-342 hereby adopted, as amended, adding language that the Health Department's enforcement would in addition to, and in conjunction with, the Police Department's current enforcement, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
 Noes : None
 Absent : Ronquillo

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LUNCH RECESS - 11:38 A.M. - 2:30 P.M.

(2:00 P.M.) CLOSED SESSION:

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

- 1. MARGUERITE TREWEEK V. CITY OF NAPA (AMICUS BRIEF)**
- 2. YOLANDA MORALES V. CITY OF FRESNO**
- 3. ARMANDO GARCIA V. CITY OF FRESNO**

The Council met in closed session in Room 2125 at the hour of 2:31 p.m. to consider the above items and reconvened in regular open session at 2:47 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Marguerite Treweek (**A-1**), the Council voted 6-0-1 to join in amicus, with Councilmember Ronquillo absent.

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(2:30 P.M.) REPORT AND DISCUSSION REGARDING INCORPORATING FOLD-PAK, LOCATED AT 1854 E. HOME AVENUE, INTO THE ENTERPRISE ZONE - COUNCILMEMBER PEREA

1. RESOLUTION - PLACING PROPERTY LOCATED AT 1854 E. HOME AVENUE INTO THE ENTERPRISE ZONE

Economic Development Coordinator Webster reviewed the issue and advised staff was recommending Fold-Pak not be incorporated into the Enterprise Zone for reasons contained in the staff report, and advised reason No. 3 was found to be in error.

Lew Gentles, Fold-Pak, 1911 S. Parallel, spoke in support of the issue stating not all 8.7 acres would be utilized for right-of-way and noted Fold-Pak met Enterprise Zone policy criteria.

Mr. Webster responded to questions of Councilmember Perea relative to other companies currently being considered for acreage. Councilmember Perea noted it was clear Fold-Pak was committed to Fresno and to a \$2 million expansion; stated he had not heard Fold-Pak had not technically qualified for this credit, and made motion to apply the Enterprise Zone designation to Fold-Pak, which was seconded and later acted upon.

Extensive discussion ensued with Mr. Webster and Mr. Gentles responding to questions of President Steitz and Councilmembers Boyajian, Quintero and Bredefeld relative to whether Fold-Pak would, in fact, utilize a total of 12.7 acres, balance if the 12.7 acres were designated, any plans to expand the Enterprise Zone, acreage balance,

reasons for staff's opposition, how long Fold-Pak has been in business, current number of employees, facility expansion, demand for the product, current location, reason for moving the business, (4 - 0) machinery used at the current site (with Councilmember Quintero advising he receives noise complaints every summer and stating that was his concern), if the new site was near more residential than the current site, number of employees anticipated with the expansion, acreage that has been informally committed to, types of businesses being considered for the enhancement, adverse impacts if the requested acreage were awarded, and inability to say if a company would locate to or leave Fresno due to lack of Enterprise Zone.

Councilmember Bredefeld expressed concern with the uncertainty of the issue and lack of information on the informal commitments, stated it was very difficult for Council to make a decision without that information, and suggested delaying the issue to obtain the information, with Mr. Webster stating staff could provide as much information as possible when the resolution comes back, if approved.

Mr. Gentles and Mr. Webster responded to additional questions of Councilmember Boyajian and President Steitz relative to benefits to Fold-Pak with the designation, current significant impacts, companies formally committed to and number of jobs anticipated, and the designation being the most important benefit to offer a company.

President Steitz stated he had a real problem with utilizing 8.7 acres for public right of ways which would not benefit anyone, and made a motion to table the matter one week to obtain additional information, which was seconded by Councilmember Bredefeld. Councilmember Perea stated the issue had been before Council for three weeks and called for the question.

Mr. Webster responded to additional questions of Councilmember Boyajian relative to jeopardizing the anticipated 3,000 jobs, Vendo's commitment to move and expand, if negotiations were currently on-going with Vendo, if Vendo was currently in an Enterprise Zone, real possibility of losing Vendo and other companies without the enticement, Assemblyman Briggs' legislation, reality of the remaining 155 acres not formally committed to by Council, and number of acres informally committed to.

Councilmember Perea noted Assemblyman Briggs' legislation would be successful and the City should receive that benefit; stated final decisions on the companies given informal commitments was months away; stated he understood there might be a better use for the acres but there was lack of information at this time; and stressed at issue was a small business located in the city who wanted to expand and requested Council not play games and delay the matter another week as the matter would not be resolved in that time. Acting President Mathys concurred with Councilmember Perea and commended Fold-Pak for their business and expansion plans.

A motion of President Steitz, seconded by Councilmember Bredefeld, to postpone the matter one week to allow staff to report back with additional information failed, by the following vote:

Ayes	:	Bredefeld, Quintero, Steitz
Noes	:	Boyajian, Mathys, Perea
Absent	:	Ronquillo

A motion of Councilmember Perea, seconded by Acting President Mathys, to extend the Enterprise Zone designation to Fold-Pak failed, by the following vote:

Ayes : Boyajian, Mathys, Perea
Noes : Bredefeld, Quintero, Steitz
Absent : Ronquillo

- - - -

(2:45 P.M.) APPEARANCE BY MICHAEL JULIAN GOMEZ REGARDING CONFLICT WITH CERTAIN POLICE OFFICERS IN THE NORTHEAST DIVISION

Appearance made; no action taken.

- - - -

(2:50 P.M.) APPEARANCE BY JONATHAN RICHTER TO DISCUSS ESTABLISHING GUIDELINES FOR THE LEGAL POSSESSION AND CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY

Appearance made; no action taken.

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:29 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

Ken Steitz, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

134-269

11/30/99